

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED

AUG - 4 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

Broadband Personal Communications )  
Services C Block Auction and )  
Grant of A and B Block Licenses )

PP Docket No. 93-253

ET Docket No. 92-100

To: The Commission

DOCKET FILE COPY ORIGINAL

RECEIVED

AUG - 4 1995

OPPOSITION TO EMERGENCY MOTION TO RESCHEDULE  
C BLOCK AUCTION

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Cook Inlet Region, Inc. ("CIRI"), by its attorneys, opposes  
the Emergency Motion to Reschedule C Block Auction ("Petition")  
filed on August 2, 1995 by the Rural Ad Hoc PCS Consortium  
("Consortium"). To proceed as suggested by the Consortium is  
contrary to the stay entered by the United States Court of  
Appeals for the District of Columbia Circuit<sup>1</sup> and would risk  
further administrative and judicial delay of the C Block license  
awards.<sup>2</sup>

The Court's Order stays those portions of the Commission's  
Rules adopted in the Sixth Report and Order "allowing all  
applicants to utilize the 49 percent equity exception . . . ."<sup>3</sup>

---

1. Omnipoint Corporation v. F.C.C., No. 95-1374 (D.C. Cir.  
1995) (Order Granting Motion for Stay, July 27, 1995) ("Stay  
Order").

2. Petitions for Review of the Commission C Block auction  
rules have also been filed with the Court by Radiofone, Inc. and  
QTEL Wireless, Inc. In addition, QTEL filed with the Court an  
Emergency Motion for Stay and has moved the Court to expand the  
Stay Order to include review of the issues in QTEL Petition for  
Review.

3. Stay Order at 1.

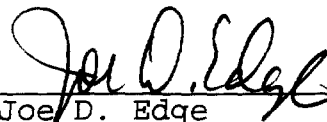
014

Despite this phrasing, the Consortium urges the Commission to proceed with an auction in which the 49 percent equity applicants would participate.<sup>4</sup> The Consortium fails to explain how its proposal would be consistent with the terms of the Stay Order.

CIRI strongly agrees with the Commission and the Consortium that further delay in the auction process is harmful to competition and to business concerns preparing to bid for C Block licenses. CIRI is eager to see the Commission's auction begin as soon as possible in accordance with law. However, to proceed in violation of the Stay Order would undermine and delay the achievement of that primary goal and would expose the Commission to the ire of the Court.

For these reasons, CIRI urges the Commission to deny the Emergency Motion to Reschedule C Block Auction.

Respectfully submitted,



Joe D. Edge  
Mark F. Dever  
Tina M. Pidgeon  
DRINKER BIDDLE & REATH  
901 Fifteenth Street, NW  
Suite 900  
Washington, DC 20005  
(202) 842-8800

Attorneys for  
COOK INLET REGION, INC.

August 4, 1995

---

4. Petition at 3-4.

**CERTIFICATE OF SERVICE**

I, Esther Y. Chambers, hereby certify that on this 4th day of August, 1995 copies of the foregoing **OPPOSITION TO EMERGENCY MOTION TO RESCHEDULE C BLOCK AUCTION** have been delivered by hand to the following:

David A. Irwin  
Jeffrey L. Timmons  
Irwin, Campbell & Tannenwald, P.C.  
1320 18th Street, N.W., Suite 400  
Washington, D.C. 20036

The Honorable Rachelle B. Chong  
Federal Communications Commission  
1919 M Street, NW, Room 844  
Washington, DC 20554

The Honorable Reed E. Hundt  
Federal Communications Commission  
1919 M Street, NW, Room 814  
Washington, DC 20554

Robert M. Pepper  
Federal Communications Commission  
1919 M Street, NW, Room 822  
Washington, DC 20554

The Honorable James H. Quello  
Federal Communications Commission  
1919 M Street, NW, Room 802  
Washington, DC 20554

William E. Kennard, General Counsel  
Federal Communications Commission  
1919 M Street, NW, Room 614  
Washington, DC 20554

The Honorable Andrew C. Barrett  
Federal Communications Commission  
1919 M Street, NW, Room 826  
Washington, DC 20554

Regina M. Keeney  
Federal Communications Commission  
2025 M Street, NW, Room 5002  
Washington, DC 20554

The Honorable Susan Ness  
Federal Communications Commission  
1919 M Street, NW, Room 832  
Washington, DC 20554

  
Esther Y. Chambers